

Control Number: 42989



Item Number: 2

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
Legislature, Regular Session, transferred the functions
relating to the economic regulation of water and sewer
utilities from the TCEQ to the PUC effective
September 1, 2014.



FRITZ, BYRNE, HEAD & HARRISON, PLLC

Attorneys at Law

January 8, 2014

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2014 SEP 12 PM 3:39

PUBLIC UTILITY COMMISSION
FILING CLERK

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JAN 09 2014

UTILITIES & DISTRICTS
SECTION

Ms. Debbie Reyes-Tamayo
Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P.O. Box 13087
Austin, TX 78711-3087

Re: Grand Ranch Treatment Company/EMCAD Water and Wastewater, LLC
Application No. 37724-S

Dear Ms. Reyes-Tamayo:

Enclosed are an original and three copies of an Affidavit of Notice to Neighboring Utilities and Affected Parties for filing in the above-referenced application. An email of this affidavit was forwarded to you on January 6, 2014. Previously, on January 3, 2014, copies of the Affidavit of Notice to Customers and other Affected Parties (together with the TCEQ-approved Notice to Current customers, Neighboring Systems, Landowners and Cities) was filed by hand delivery. With this filing, all required notices and affidavits required by the TCEQ rules should be satisfied.

Please do not hesitate to contact me if you have any questions.

Sincerely yours,

FRITZ, BYRNE, HEAD & HARRISON, PLLC

By: Bob Renbarger
Bob Renbarger

ROR/skd
Enclosure

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Value Driven...Client Oriented



98 SAN JACINTO BOULEVARD SUITE 2000 AUSTIN, TEXAS 78701 (512) 476-2020 FAX: (512) 477-5267 WWW.FBHH.COM

2

Texas Commission on Environmental Quality



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES
APPLICATION NO. 37724-S

STATE OF TEXAS
COUNTY OF TARRANT

GRAND RANCH TREATMENT COMPANY has provided
individual notice to the following entities:

	DATE
<u>CITY OF CROWLEY</u>	<u>DEC. 23, 2013</u>
<u>CREST WATER COMPANY</u>	<u>DEC. 23, 2013</u>
<u>NORTH WHISPERING MEADOWS WATER</u>	<u>DEC. 23, 2013</u>
<u>SKYLINE DRIVE LANDOWNERS ASSN. WATER SYSTEM</u>	<u>DEC. 23, 2013</u>
<u>MONARCH UTILITIES I, LP</u>	<u>DEC. 23, 2013</u>
<u>JOHNSON COUNTY SUD</u>	<u>DEC. 23, 2013</u>
<u>CHUCK BELL WATER SYSTEMS</u>	<u>DEC. 23, 2013</u>
<u>PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT</u>	<u>DEC. 23, 2013</u>
<u>JOHNSON COUNTY</u>	<u>DEC. 23, 2013</u>

OATH

I, ROBERT BEAMS, being duly sworn, file this form as
PRESIDENT, GRAND RANCH TREATMENT COMPANY (indicate relationship to applicant,
that is, owner, member of partnership, title of officer of corporation, or other authorized
representative of applicant); that in such capacity, I am qualified and authorized to file and
verify such form, am personally familiar with the notices given with this application, and have
complied with all notice requirements in the application and application acceptance letter; and
that all such statements made and matters set for therein are true and correct.

Robert Beams

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the
applicant, or its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this 6th day of January, 2014,
to certify which witness my hand and seal of office.



Brenda E. McMillan

Notary Public in and for the State of Texas

Brenda E. McMillan

Print or Type Name of Notary Public
Commission Expires 01-22-17

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JAN 09 2014

UTILITIES & DISTRICTS
SECTION



FRITZ, BYRNE, HEAD & HARRISON, PLLC

Attorneys at Law

RECEIVED
TCEQ
WATER SUPPLY DIV.
2014 JAN 3 PM 2 29

January 3, 2014

VIA HAND DELIVERY

Ms. Debbie Reyes-Tamayo
Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P.O. Box 13087
Austin, TX 78711-3087

Re: Grand Ranch Treatment Company/EMCAD Water and Wastewater, LLC
Application No. 37724-S

Dear Ms. Reyes-Tamayo:

Enclosed are an original and three copies of an Affidavit of Notice to Customers and Other Affected Parties, together with the TCEQ-approved Notice to Current Customers, Neighboring Systems, Landowners and Cities, for filing in the above-referenced application. By filing this affidavit, Grand Ranch Treatment Company, certifies that the attached notice was mailed to all current customers, neighboring utilities, landowners owning 25 or more acres and cities as required by TCEQ rules. Please contact me if you have any questions.

Sincerely yours,

FRITZ, BYRNE, HEAD & HARRISON, PLLC

By: Bob Renbarger
Bob Renbarger

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Texas Commission on Environmental Quality



AFFIDAVIT OF NOTICE TO CUSTOMERS AND OTHER AFFECTED PARTIES
APPLICATION NO. 37724-S

STATE OF TEXAS
COUNTY OF Tarrant

Before me, the undersigned authority, on this day personally appeared

Robert Beams

, who being by me

duly sworn, deposes and that (s)he is the President

(TITLE)

of the Grand Ranch Treatment Company

(NAME OF UTILITY)

that the attached notice was provided to customers and other affected parties by

First Class U. S. Mail

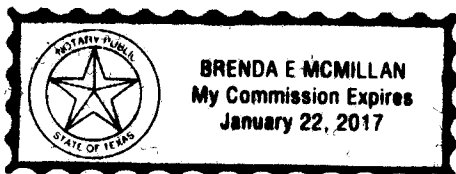
(METHOD USED TO PROVIDE NOTICE)

on or about the following date, to wit: December 23, 2013

(DATE)

Robert Beams
(SIGNATURE OF UTILITY OFFICIAL)

Subscribed and sworn to before me this 23rd day of December, 2013,
to certify which witness my hand and seal of office.



Brenda E. McMillan
Notary Public in and for the State of Texas

Brenda E. McMillan

Print or Type Name of Notary Public

Commission Expires January 22, 2017

RECEIVED
TO EQ
WATER SUPPLY DIV.
2014 JAN 3 PM 2 30

**Notice to Current Customers, Neighboring Systems,
Landowners and Cities**

GRAND RANCH TREATMENT COMPANY'S NOTICE OF INTENT TO SELL
FACILITIES AND TRANSFER CERTIFICATE OF CONVENIENCE AND NECESSITY
(CCN) NO. 20832 TO EMCAD WATER AND WASTEWATER, LLC IN JOHNSON
COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 2013
(Name of Customer, Neighboring System, Landowner or City)

(Address)

(City State Zip)

Grand Ranch Treatment Company 6850 Manhattan Blvd, Ste 108 Fort Worth TX 76120
(Sellers or Transferor's Name) (Address) (City) (State) (Zip Code)

has submitted an application with the Texas Commission on Environmental Quality to
sell facilities and transfer sewer CCN No. 20832 in Johnson County to:

EMCAD Water and Wastewater, LLC 2492 Matterhorn Dr. Wexford PA 15090
(Seller's or Transferor's Name) (Address) (City) (State) (Zip Code)

The sale is scheduled to take place as approved by the Executive Director (V.T.C.A.,
Water Code §13.301). The transaction and proposed service area include the following
subdivision(s): Grand Ranch Subdivision.

The area subject to this transaction is located approximately 12 miles north, northwest
of downtown Cleburne, Texas and is **generally** bounded on the north by County Road
915; on the east by County Road 1014; on the south by approximately 1/2 mile south of
Country Road 915; and on the west by Country Road 915B.

The total area being requested includes approximately 388 acres and serves 54 current
customers. This transaction will have the following effect on the current customers'
rates and services: No change to current rates. Current service level will either be
maintained or improved.

Affected persons may file written protests and/or request a public hearing within 30
days of this notice.

To request a hearing, you must:

- (1) state your name, mailing address and daytime telephone number;
- (2) state the applicant's name, application number or another recognizable
reference to this application;
- (3) the statement "I/we request a public hearing";
- (4) write a brief description of how you, the persons you represent, or the
public interest would be adversely affected by the proposed transaction
and transfer of the CCN; and
- (5) state your proposed adjustment to the application or CCN which would
satisfy your concerns and cause you to withdraw your request for a
hearing.

RECEIVED
TCEQ
WATER SUPPLY DIV
2014 JAN 3 PM 2:06

Only those persons who submit a written request to be notified of a hearing will receive notice if a hearing is scheduled. The Executive Director will issue the CCN requested in the referenced application unless a hearing is scheduled to consider the transaction. If no protests or requests for hearing are filed during the comment period, the Executive Director may issue the CCN 30 days after publication of this notice.

Persons who wish to protest or request a hearing on this application should write the:

Texas Commission on Environmental Quality

Water Supply Division

Utilities and Districts Section, MC-153

P. O. Box 13087

Austin, TX 78711-3087

Si desea informacion en Espanol, puede llamar al 1-512-239-0200.

Utility Representative

Utility Name

Christine Mester

From: Renbarger, Bob <Bob@fbhh.com>
Sent: Monday, November 25, 2013 3:08 PM
To: Christine Mester
Cc: 'Nathan Johnson'
Subject: FW: Response to NOD - EMCAD/Grand Ranch Treatment Company - Application No.37724-S

Ms. Mester:

As per your email below, please accept this confirmation that Grand Ranch Treatment Company will include Johnson County on its mailing list for any required notices. Thank you for your assistance and please let me know if you need anything else in processing this application.

Bob Renbarger

-----Original Message-----

From: Christine Mester [<mailto:christine.mester@tceq.texas.gov>]
Sent: Friday, November 22, 2013 2:19 PM
To: Renbarger, Bob
Subject: RE: Response to NOD - EMCAD/Grand Ranch Treatment Company - Application No.37724-S

Mr. Renbarger:

Our mapping engineer also identified Johnson County as a neighboring entity that requires notice. Will you please respond to this email to confirm you will send notice to Johnson County?

Thank you,
Christine Mester
512/239-2788

-----Original Message-----

From: Renbarger, Bob [<mailto:Bob@fbhh.com>]
Sent: Tuesday, November 05, 2013 11:42 AM
To: Christine Mester
Cc: 'Nathan Johnson'
Subject: Response to NOD - EMCAD/Grand Ranch Treatment Company - Application No.37724-S

Ms. Mester:

This letter and attachments are provided in response to the TCEQ's NOD letter dated October 29, 2013 for the above-referenced application.

Please note the attached documents which reflect the most current investigation activities and the TCEQ's letter approving actions taken by the utility to satisfy any alleged deficiencies from the May 3, 2012 inspection/review.

We have also identified the following entity to add to the list of neighboring utilities, districts, etc. to receive notice of the application:

Prairielands Groundwater Conservation District
205 Caddo Street
P.O. Box 3128
Cleburne, Texas 76033

Please accept this email as confirmation that Prairielands GCD will be added to our list of entities to receive notice once the TCEQ authorizes the applicant to send out any required public notices. Please also contact the undersigned if you have any questions or need additional information to declare this application administratively complete and initiate technical review. Thank you for your consideration and assistance.

Bob Renbarger

Christine Mester

From: Renbarger, Bob <Bob@fbhh.com>
Sent: Tuesday, November 05, 2013 11:42 AM
To: Christine Mester
Cc: 'Nathan Johnson'
Subject: Response to NOD - EMCAD/Grand Ranch Treatment Company - Application No.37724-S
Attachments: 20131105110408312.pdf

Ms. Mester:

This letter and attachments are provided in response to the TCEQ's NOD letter dated October 29, 2013 for the above-referenced application.

Please note the attached documents which reflect the most current investigation activities and the TCEQ's letter approving actions taken by the utility to satisfy any alleged deficiencies from the May 3, 2012 inspection/review.

We have also identified the following entity to add to the list of neighboring utilities, districts, etc. to receive notice of the application:

Prairielands Groundwater Conservation District
205 Caddo Street
P.O. Box 3128
Cleburne, Texas 76033

Please accept this email as confirmation that Prairielands GCD will be added to our list of entities to receive notice once the TCEQ authorizes the applicant to send out any required public notices. Please also contact the undersigned if you have any questions or need additional information to declare this application administratively complete and initiate technical review. Thank you for your consideration and assistance.

Bob Renbarger

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 26, 2012

Mr. Robert Beams, President
Grand Ranch Treatment Company
6850 Manhattan Boulevard, Suite 108
Fort Worth, Texas 76120

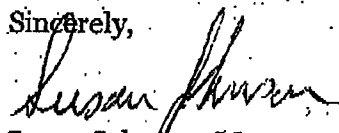
Re: Notice of Compliance with Agreed Order
Grand Ranch Treatment Company; RN102344157
Docket No. 2012-0956-MWD-E; Enforcement Case No. 44113
TPDES Permit No. WQ0013846001

Dear Mr. Beams:

This letter is to inform you that a review of Texas Commission on Environmental Quality (TCEQ) records concerning the above-referenced enforcement matter indicates that Grand Ranch Treatment Company has fulfilled the requirements of the Agreed Order ("Order") effective on October 27, 2012. Specifically, Grand Ranch Treatment Company has paid the administrative penalty assessed in the Order. Based upon this, we conclude that your response has been satisfactory and no further action is necessary at this time with respect to this enforcement matter. The Order will terminate on October 27, 2017, provided that Grand Ranch Treatment Company maintains compliance with all terms and conditions of the Order.

We appreciate your cooperation, and if we can be of any further assistance, please contact Mr. Jorge Ibarra, P.E., at (817) 588-5890.

Sincerely,


Susan Johnson, Manager
Enforcement Division

cc: Mr. Sid Slocum, Manager, Water Section, Dallas/Fort Worth Regional Office,
TCEQ

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 3, 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED - 91 71-8 2133 3935 1986 209

Mr. Robert Beams, President
Grand Ranch Treatment Company
6850 Manhattan Boulevard, Suite 108
Fort Worth, Texas 76120

Re: Notice of Enforcement
Grand Ranch Subdivision Wastewater Treatment Facility
RN102344157, TPDES Permit No. WQ0013846001, EPA ID No. TX0115991
CCEDS Investigation No. 997739

Dear Mr. Beams:

We have conducted a record review investigation of your self-reported data for the above-referenced permit and noted the following alleged violations.

Alleged Violations

1.	Failure to comply with the permit effluent limit for Total Suspended Solids daily average (mg/l) at Outfall 001A for the monitoring periods ending 09/30/2011, 10/31/2011, 11/30/2011, and 12/31/2011..
2.	Failure to comply with other permit effluent limits during the period of 02/2011 through 01/2012.

Other Areas of Concern

The facility needs to ensure that the individual signing the DMRs meets the requirements of 30 TAC §305.128. If signatory authority for the DMRs is delegated to someone other than a principal executive officer, the facility is required to submit written documentation to TCEQ. Enclosed is copy of the referenced rules and a form which may be used for this purpose (see enclosed form.)

The Legislature has granted enforcement powers to the TCEQ to carry out its mission to protect human health and the environment. Due to the apparent seriousness of the alleged violations, formal enforcement action has been initiated, and additional violations may be cited upon further review. We encourage you to immediately begin taking actions to address the outstanding alleged violations.

Mr. Robert Beams
Page 2

In responding with prompt corrective action, the administrative penalty to be assessed may be limited.

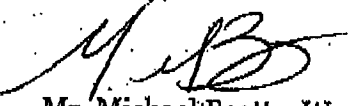
The Commission recognizes that the great majority of the regulated community wants to prevent pollution and to comply with environmental laws. We dedicate considerable resources toward making voluntary compliance achievable. But where compliance has not been met it is our duty to protect the public and the environment by enforcing the state's environmental laws, regulations, and permits.

Also, if you believe the violations documented in this notice have been cited in error, and you have additional information that we are unaware of, you may request a meeting to discuss this enforcement matter. To request a meeting, send a letter describing the additional information to the address shown below.

Manager, Water Section
Enforcement Division, MC 219
Re: Enforcement Meeting Request
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

If you or members of your staff have any questions, please feel free to contact Ms. Denise Aguilar of my staff at (512) 239-2582.

Sincerely,



Mr. Michael Beatty, Work Leader
Compliance Monitoring Team (MC 224)
Texas Commission on Environmental Quality

Enclosure

cc: Mr. Sid Slocum, Water Section Manager, TCEQ DFW Regional Office